

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

**FILED**

JUN 20 2017

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES OF AMERICA,

CR 16-33-GF-BMM

Plaintiff,

**ORDER**

vs.

CLIFFORD AIMSBACK,

Defendant.

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on June 20, 2017. Defendant admitted that he had violated the conditions of his supervised release: 1) by submitting a urine sample that tested positive of alcohol; 2) by testing positive for methamphetamine; 3) by failing to report for substance abuse treatment; 4) by failing to report for substance abuse testing; and 5) by failing to notify his probation officer of a change in his address. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and sentence him to a term of time served, with 11 months of supervised release to follow. Judge Johnston also recommended that the term of supervised release include substance abuse treatment at Crystal Creek. Defendant consented to location monitoring until he is

admitted to Crystal Creek.

Both parties waived their right to file objections. Judge Johnston's findings and recommendations are therefore reviewed for clear error.

*McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 12 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of time served, followed by 11 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 136) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 20th day of June, 2017.

A handwritten signature in black ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris  
United States District Court Judge